

Chapter 33

RAILROADS*

Sec. 33-1. Contract to construct.

No railroad, nor any branch to any existing railroad, shall be constructed within the corporate limits of the city, without the consent of the council; nor shall such consent be granted until a contract has been entered into between the city and the company proposing to construct such railroad, which contract shall be in such form as the city attorney may approve, and shall contain the conditions and provisions as set forth in this chapter, subject to such modifications and additions as may be mutually agreed upon by the parties to such contract. (Code 1959, § 28-1)

Sec. 33-2. Permission to construct not to relieve railroad of liability.

The city, in granting permission to any railroad company to occupy or cross with its tracks any street, shall be deemed thereby to grant such permission only so far as it may lawfully do so, without incurring any liability to property owners for the exercise by the railroad company of the rights and privileges so granted; and such company shall be and remain liable to property owners injuriously affected by the construction or use and maintenance of such road or tracks, precisely as if such permission by the city had not been granted. (Code 1959, § 28-2)

Sec. 33-3. Railroad to indemnify city.

Any railroad company regulated by this chapter shall be responsible for injuries done to private property lying upon or near such streets as it may be permitted to occupy with its tracks, and shall agree and bind itself to indemnify and save harmless the city from all loss or damage by reason of any and all legal claims made against the city in consequence of the construction, maintenance or use of such railroad. (Code 1959, § 28-3)

Sec. 33-4. Repair and maintenance of streets where tracks laid.

Any railroad company regulated by this chapter shall reconstruct and repave all streets crossed at grade or occupied by the track authorized, and shall place the same in as good condition as they were prior to the laying of such track, and shall keep in good repair all that portion of the streets occupied by such track lying between the rails and for a distance of two (2) feet outside thereof, all of which shall be done under the supervision and to the satisfaction of the city manager. (Code 1959, § 28-4)

State law reference—Similar provisions, Code of Virginia, § 56-405.

Sec. 33-5. Grading streets not to interfere with sewer system, etc.

Any railroad company regulated by this chapter shall, under the supervision of the city manager, so grade all streets occupied or crossed by its track as not to interfere with the sewer system of the city, or the surface drainage of such streets, and shall make all changes of sewer inlets, water pipes, fireplugs, gas posts, fire alarm and electric light poles and other constructions belonging to the city, or in the use of which the public is interested, which may be rendered necessary by the construction of its road. Whenever its track may be removed from any street, such company shall, under the supervision and to the satisfaction of the city manager, restore such street to as good condition as before such track was located thereon. (Code 1959, § 28-5)

***Charter reference**—Power of council in connection with railroads, § 38(10).

Cross reference—Traffic regulations involving railroads, §§ 25-17—25-19.

State law reference—Railroads generally, Code of Virginia, § 56-339 et seq.

Sec. 33-6. Warning lights on tracks.

Any railroad company regulated by this chapter shall erect suitable lights along the line of its tracks at such points as the council may deem necessary to prevent accidents from trains or locomotives passing at night, and such lights shall be kept burning during the hours that the city lights are required to burn. (Code 1959, § 28-6)

State law reference—Crossing boards and lights, Code of Virginia, § 56-405.3.

Sec. 33-7. Bridges.

(a) Whenever any railroad company, canal company or other public carrier shall by the terms of its franchise, or by order of the council or on its own volition cross any street or alley above or below grade so as to separate its traffic from highway traffic, the design of the bridge or other structure shall first be approved by the city manager and shall provide for all reasonable loads and give sufficient width of driveway for highway traffic to avoid congestion, inconvenience or danger to such traffic, and should any such existing bridge or structure be so arranged or designed as to require any caution sign or signs, or should the improvement of the street or any other reason cause such sign or signs to be necessary at such location, then suitable signs shall be erected and maintained by the company at its expense; and no condition constituting a hazard, in the opinion of the city manager, shall be allowed to remain without the erection of a suitable sign more than five (5) days, but the erection of such sign, unless specifically authorized by the city manager, shall not relieve the company from the requirement of eliminating such hazard within thirty (30) days from notice by the city manager.

(b) Any bridge to carry highway traffic over any railway track, canal or other properties of any such company holding a franchise under the laws of the city shall be designed to carry the maximum load permitted by the laws of the state on the highways of the state, and any existing bridge which does not meet this requirement shall be reconstructed or otherwise made safe for the purpose, unless in the opinion of the city manager local conditions warrant his permission for a lighter load limit, in which case, suitable signs shall be maintained as required above. For the maintenance of any structure or condition in violation of the above, the company shall be punished as provided in section 1-13 and each day such condition is allowed to exist after notice to the local agent of such company shall constitute a separate offense. (Code 1959, § 28-7)

Sec. 33-8. Speed limit.

The maximum rate of speed at which locomotive engines may be moved within the city limits shall be forty-five (45) miles an hour; provided, that on Jefferson Street the maximum speed shall not exceed ten (10) miles per hour. (Code 1959, § 28-9)

Charter reference—Authority to regulate the speed of trains, § 38(10).

Sec. 33-9. Flag men.

Every railroad company, whose tracks are located within the city limits, shall station at such points along the line of such tracks as have been or may hereafter be designated by the council, a sufficient number of flagmen, who shall be provided with flags in the daytime, and lanterns at night, and whose duty it shall be to prevent accidents by giving due notice of the approach and passing of trains and locomotives. Any railroad company failing to comply with this section shall be punished as provided in section 1-13 each day such default shall continue; and should any flagman, through absence from his station, or otherwise, fail to properly discharge his duties on the approach or passing of any train or locomotive, the railroad company owning or controlling such train or locomotive shall be punished as provided in section 1-13. (Code 1959, § 28-10)

Section 33- 10. Loitering about tracks, depots, etc.

It shall be unlawful for any person to play or loiter about or upon the railroad tracks, or upon the platforms of the passenger depots, or about the railroad shops in the city. Any person violating this section

may be ordered to desist by any special or regular policeman, and upon his failure to do so, he may be arrested, and he shall be deemed guilty of a class 4 misdemeanor; provided, however, that nothing herein contained shall be so construed as to interfere with persons who are traveling, or with the friends meeting or accompanying such persons. (Code 1959, § 28-11)

